

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

MAY 21 2007

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY BS DEPUTY

JEREMY LAMONT SMITH,

Plaintiff,

vs.

RON WARD, Director, et al.,

Defendants.

No. CIV-07-413-W

ORDER

On May 9, 2007, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this matter and recommended that the case be dismissed without prejudice to refiling because plaintiff Jeremy Lamont Smith had failed to pay the initial partial filing fee as ordered by Magistrate Judge Purcell on April 11, 2007, or show cause for his failure to do so. Smith was advised of his right to object to the Report and Recommendation, and on May 17, 2007, the Court received correspondence from Smith that outlined his attempted compliance with Magistrate Judge Purcell's Order and on May 18, 2007, the Court received funds in the amount of \$17.59 from Smith.

Based upon the record and because Smith has now paid the initial partial filing fee as ordered by Magistrate Judge Purcell on April 11, 2007, the Court

(1) DECLINES to adopt the Report and Recommendation issued on May 9, 2007;
and

(2) RE-REFERS this matter to Magistrate Judge Purcell for further proceedings.

ENTERED this 21st day of May, 2007.


LEE R. WEST
UNITED STATES DISTRICT JUDGE